

EXHIBIT C



80967AF-P
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl A. Testa, et al.

A METHOD FOR ORGANIZING
DIGITAL IMAGES

Serial No. 10/744,537

Filed 22 December 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2167

Examiner: Cheryl R. Lewis

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June Carfagna

June Carfagna
January 15, 2007

Date

Amendment

In response to the Office Action dated October 19, 2006, Applicant respectfully requests reconsideration in view of the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (currently amended) A method of automatically organizing digital images obtained from a plurality of hard copy prints, each of said hard copy prints having an image thereon, comprising the steps of:

~~obtaining hard copy prints from a plurality of different sources;~~
~~grouping the obtained hard copy prints into one or more categories;~~
~~each category separated by an associated machine readable instruction form;~~
digitally scanning a plurality of hard copy prints that have been grouped into one or more categories, each category separated by an associated machine readable form ~~said one or more categories and said associated machine readable instruction form to create one or more digitized image categories and associated digitized category data~~ as to obtain a digital file of each of said images and digitally associating said one or more categories with said digital images in accordance with said associated machine readable instruction form;
~~combining each image of said one or more digitized image categories with said associated digitized category data to produce a plurality of modified digital image files storing said digital images files and associated categories on a digital storage medium; and~~
~~storing the modified digital image files;~~ producing a product incorporating images from one or more of said categories as requested by a customer.

2. (original) A method according to claim 1 wherein said product comprises an album page.

3. (original) A method according to claim 1 wherein said product comprises a computer storage media having said images.

4. (original) A method according to claim 3 wherein said storage media comprises a CD.

5. (original) A method according to claim 1 wherein said product comprises a digital image file containing said image.

6. (currently amended) A method according to claim 1 further comprising providing instructions on said machine readable instruction form relating to said ~~images~~ ordering of said product.

7. (currently amended) A method according to claim 6 wherein said instruction provides additional information as ~~grouping of~~ said images.

8. (currently amended) A method according to claim 6 wherein said instruction provides personal information about at least one of said images.

9. (currently amended) A method of organizing a plurality of images provided on a plurality of separate hard copy prints, comprising the steps of:

~~placing said hard copy prints into a desired order;~~
~~placing in front of at least one of said hard copy prints an~~
~~instruction form capable of being scanned;~~
scanning ~~said hard copy prints~~ a plurality of hard copy prints that
have been provided in a desired order and having at least one instruction form
place in association with a ground of said plurality of hard copy prints so as to
obtain a digital record of said images on said hard copy prints; and a digital record
of information provided on said instruction form; and
~~scanning said instruction form so as to obtain information provided~~
~~on said instruction form; and~~
combining said digital record of said images with said digital
record of said information provided on said instruction form to produce a plurality
of modified digital image files.

10. (currently amended) A method according to claim 9 wherein said instructions and modified digital images files are accessed by a

computer wherein said instructions are followed~~implemented by said computer~~
with respect to said images.

11. (original) A method according to claim 9 further comprising the step of:
providing at least one good and/or service in accordance with said instructions.

12. (original) A method according to claim 9 wherein said instruction is provided in the form of an icon.

13. (original) A method according to claim 12 wherein said icon is provided on a sticker.

14. (original) A method according to claim 12 wherein said icon is automatically associated by said scanner with respect to a particular instruction and/or information.

15. (original) A method according to claim 9 wherein said instruction form includes at least one machine readable instruction.

16. (currently amended) A method according to claim 9 further comprising the step of searching said images using ~~said~~ said information provided on said instruction form.

17. (previously presented) A method according to claim 1 further comprising providing a product or service created from said at least one of the plurality of modified digital image files.

18. (currently amended) A method of automatically organizing digital images obtained from a plurality of hard copy prints, ~~each of said hard copy prints having an image thereon~~ comprising the steps of:
obtaining hard copy prints from a plurality of different sources,
each of said hard copy prints having an image thereon;

~~grouping the obtained hard copy prints into one or more categories,~~
~~each category separated by an associated machine readable instruction form;~~

~~digitally scanning the obtained hard copy prints and associated~~
~~machine readable instruction form~~ a plurality of hard copy prints each having an
image thereon wherein said plurality of hard copy prints have been grouped
together into one or more categories, each category being associated with an
instruction form to create digitized digital image files of said images and digitized
obtaining associated category information for said digital images in accordance
with said machine readable instruction data;

automatically grouping said digital image files into said categories
in accordance with said instruction respectively; and

storing the digitized digital image files with the digitized and said
associated category data on a digital storage medium.

REMARKS

In paragraph 5 on page 2 of the Office Action, Claims 1,9, and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In response to the rejection of claims 1, 9, and 18 under 35 U.S.C. 101 Applicants have amended the claims to more clearly setforth the present invention. It is respectfully submitted that the claims as currently setforth accomplish a practical application so as to produce a useful, concrete, and tangible result. In particular with respect to claim 1, this claim is directed to a method of automatically organized digital images obtained from a plurality hard copy of prints by scanning a plurality of hard copy prints that have been grouped into one or more categories, each category separated by a machine readable instruction form. This information is stored on a digital storage media and then is utilized to produce a product.

In the present invention digital images are automatically obtained, organized and/or manipulated in accordance with machine readable instructions associated with each image. Claim 1 further setsforth the storing of the digital imaging files on a digital storage medium: produces a product incorporating images from one or more categories. Claim 1 clearly provides steps for obtaining of digital images and instructions by digitally scanning, clearly a physical step, from hard copy prints. The specification clearly discloses scanning by a scanner (see page 5, lined 9-21, and page 20, lines 6-9). Additionally claim 1 provides useful, concrete, and tangible by producing the digital image and implementing the instruction of which can be accomplished by computer (see pages 20, lined 26-28). Applicant respectfully submits claim 1 as amended overcomes the rejection under 35 U.S.C. 101. Similar type changes have been made to claim 18 and therefore overcomes the rejection setforth by the Examiner.

In regard to Independent claim 9, claim 9 also includes the scanning of prints and instruction form to obtain a digital record both in combining the digital records to produce a modified digital image files. Accordingly Applicant respectfully submit that the claim provides manipulation

of digital images and associated instructions to provide useful, concrete, and tangible results.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/744,537		Filing Date 12/22/2003		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	01/19/2007	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X \$	=	OR	X \$50=	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$	=	OR	X \$200=	0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	X \$	=
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
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Legal Instrument Examiner:
margaret byars

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